

REMARKS

Claims

Claims 1–19 were originally presented of which, claims 1–5, 9–10, 18 and 19 were elected for prosecution herein pursuant to the restriction requirement of June 25, 2007.

Claims 20–21 were added via the Reply filed May 6, 2008 and claims 22–23 were added via the Reply filed November 30, 2009.

Claims 6–8 and 11–17, which were previously withdrawn from consideration pursuant to the forgoing restriction/election, are now cancelled by this paper.

Claims 1 and 20–23 are hereby cancelled without prejudice or disclaimer. Claims 2–5, 9, 10, 18 and 19 are thus pending in this application.

Applicants gratefully acknowledge the allowability of claims 18 and 19.

Claim amendments

Applicants have elected to expedite prosecution of the instant application by cancelling claim 1, recasting allowed claims 18 and 19 in independent form and making claims 2–5 and 9–10 either directly or indirectly dependent on claim 19. In addition, Applicants have amended sequences complementary to the allowed sequences, which are supported by the disclosure in the original specification, for example, paragraph [0021] of the published application (US pat. app. pub. No. 2006-0154330).

Purely to expedite prosecution, Applicants have further cancelled withdrawn claims 6–8 and 11–17 by this paper. Applicants reserve the right to file one or more divisional/continuing applications directed to canceled subject matter.

Applicants submit that the amendments presented herein do not raise new matter. Furthermore, insofar claims 18 and 19 were held to be allowable and the claim amendments do not require new search and examination, this after-final reply complies with the requirements set forth under 37 CFR § 1.116(b)(1). See, MPEP §714.13. Entry thereof is earnestly solicited.

Rejection under 35 U.S.C. §112, ¶1 (written description/enablement)

Claims 1, 3, 4, 9 and 10 are rejected under §112, ¶1 due to allegedly failing

to provide adequate written description and for failing to provide enablement. Applicants respectfully traverse the contentions set forth in pages 2–9 of the Office Action. However, purely to facilitate issuance of the indicated allowable subject matter, the claims have been amended to recite allowable subject matter. Applicants' amendment of the claims should not be construed as acquiescence to this or any ground of rejection set forth in the Office Action.

Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §112, ¶1 (new matter)

Claims 1 and 22 are rejected under §112, ¶1 for allegedly reciting new matter. This rejection, not specifically discussed herein, is rendered moot by the foregoing amendments. Withdrawal of the rejection is respectfully requested.

In view of the foregoing amendments and remarks, favorable reconsideration is earnestly solicited. If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

No fees are believed to be due with this paper; however, the Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 13-3402.

Respectfully submitted,

/Sagun KC/

Sagun KC, Reg. No. L0510
For Applicant(s)

/Diana Hamlet-Cox/

Diana Hamlet-Cox, Reg. No. 33,302
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: HERTIN-0001

Date: July 22, 2010